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EXAMINER
EWART, JAMES D

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/824,909

Applicant(s)

PARK ET AL.

Examiner

James D. Ewart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 250-291 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 250-291 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/564,941.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 101

1. Claims 250-291 are rejected under the judicially created doctrine of obviousness- type double patenting as being unpatentable over claims 1-102 of U.S. Patent No. 6,741,868.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad and are encompassed by the claims of the patent.

2. Claims 250-291 are rejected under the judicially created doctrine of obviousness- type double patenting as being unpatentable over claims 1-61 of U.S. Patent No. 7,110,788. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad and are encompassed by the claims of the patent.

3. Claims 250, 261, 271 and 282 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,782,274. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the claims of the instant application are broad enough to be encompassed by the claims of the patent.

4. Claims 250-291 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 250-321 of copending Application No. 10/825,281 ('281 application). Although the conflicting claims are not identical,

they are not patentably distinct from each other because the claims of the '281 application are broad enough to be encompassed by the claims of the instant application. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 250-303 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 250-322 of copending Application No. 10/824,908. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant are broad enough to be encompassed by the limitations the '908 application. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 250-251, 253-259, 261-263, 265, 266, 268-272, 274-280, 282 and 284-290 are rejected under 35 USC 102(e) as being unpatentable over Korpela (U.S. Patent No. 5,946,634).

Referring to claim 250, Korpela teaches a method for interfacing between a terminal (10) and a base station (20a-20c) connected to a core network (30a – 30c), wherein the terminal has a hybrid operating type being possible to be set as either a synchronous operating type (Column 3, Line 66 – Column 4, Line 3; voice session and Figure 4; GSM) or an asynchronous operating type (Column 3, Line 66 – Column 4, Line 3; B ISDN and Figure 4) and the core network are a ANSI-41 operating type (Figures 8 & 9, Column 6, Lines 15-41 and Column 4, Lines 9-13; CDMA uses ANSI-41 standard), said method comprising the steps of: a) providing the terminal with a message including a core network operating type information representing an operating type of a core network (Figures 8 & 9, Column 6, Lines 15-41).

Referring to claim 261, Korpela teaches an apparatus for interfacing between a terminal (10) and a base station (20a-20c) connected to a core network (30a-30c), wherein the terminal has a hybrid operating type being possible to be set as either a synchronous operating type (Column 3, Line 66 – Column 4, Line 3; voice session and Figure 4; GSM) or an asynchronous operating type (Column 3, Line 66 – Column 4, Line 3; B ISDN and Figure 4) and the core network are an ANSI-41 operating type (Figures 8 & 9, Column 6, Lines 15-41 and Column 4, Lines 9-13; CDMA uses ANSI-41 standard), said apparatus comprising: a first storage device for storing core network operating type information representing an operating type of a core network (stored as a code file; 1222 and Figure 10); extraction block for reading the core network operating type information during a time period of initialization of the radio network (Column 6, Lines 30-51); and messaging block for providing the terminal with the core network operating

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type information contained in a message through a predetermined channel (Column 6, Lines 30-51).

Referring to claim 271, Korpela teaches a method for interfacing between a terminal (10) and a base station (20a – 20c) connected to a core network (30a-30c), wherein the terminal has a hybrid operating type being possible to be set as either a synchronous operating type (Column 3, Line 66 – Column 4, Line 3; voice session and Figure 4; GSM) or an asynchronous operating type (Column 3, Line 66 – Column 4, Line 3; B ISDN and Figure 4) and the core network is an ANSI-41 and GSM-MAP operating type (Figures 7-9, Column 6, Lines 15-41 and Column 4, Lines 9-13; CDMA uses ANSI-41 standard), said method comprising the steps of: a) providing the terminal with a message including a core network operating type information representing an operating type of a core network (Figures 8 & 9, Column 6, Lines 15-41).

Referring to claim 282, Korpela teaches an apparatus for interfacing between a terminal (10) and a base station (20a – 20c) connected to a core network (30a – 30c), wherein the terminal has a hybrid operating type being possible to be set as either a synchronous operating type (Column 3, Line 66 – Column 4, Line 3; voice session and Figure 4; GSM) or an asynchronous operating type (Column 3, Line 66 – Column 4, Line 3; B ISDN and Figure 4) and the core network is an ANSI-41 and GSM-MAP operating type (Figures 7-9, Column 6, Lines 15-41 and Column 4, Lines 9-13; CDMA uses ANSI-41 standard), said apparatus comprising: a storage device for storing core network operating type information representing an operating type of a core network (stored as a code file; 1222 and Figure 10); extraction block for reading the core

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network operating type information during a time period of initialization of the radio network (Column 6, Lines 30-51); and messaging block for providing the terminal with the core network operating type information contained in a message through a predetermined channel (Column 6, Lines 30-51).

Referring to claims 251 and 272, Korpela further teaches wherein the step a) includes the steps of: a1) storing a core network operating type information in a storage device (stored as a code file, step 1222 and Figure 10); and a2) reading the core network operating type information stored on a storage device during a time period of initialization of the radio network (registering on network and proceeding using new protocols, steps 1230, 1232 and Figure 12).

Referring to claims 253, 265, 274 and 284, Korpela further teaches wherein the storage device includes a memory for storing the operating type of the core network (Column 5, Lines 9-13).

Referring to claims 254, 266, 275 and 285, Korpela further teaches wherein the memory is a read only memory (ROM) (Column 5, Lines 9-13; **EEPROM**).

Referring to claims 255, 268, 276 and 286, Korpela further teaches wherein the step a) includes the steps of: a1) inserting the core network operating type information into the message / master information block (Column 6, Lines 15-24 and Figure 8); and a2) transmitting the message to the terminal through a predetermined channel (Column 6, Lines 14-28).

Referring to claim 256, 269, 277 and 287, Korpela further teaches wherein the predetermined channel is a synchronous channel (Column 6, Lines 14-28).

Referring to claim 257, 270, 278 and 288, Korpela further teaches the core network operating type information is periodically inserted into the message /master information block (Column 6, Lines 15-24 and Figure 8).

Referring to claims 258, 279 and 289, Korpela further teaches wherein the message includes a master information block (Figure 8).

Referring to claims 259, 280 and 290, Korpela further teaches wherein the message includes a system information message (Figure 9).

Referring to claim 262, Korpela further teaches further comprising a second storage device, contained in the terminal, for storing the recognized operating type of the core network (Figure 5, 13).

Referring to claim 263, Korpela further teaches wherein the detection block includes: receiver block for receiving the master information block having the core network operating type information (Figure 9; from 1202 to 1204); and extraction block for extracting the core network operating type information from the received master information block (Column 6, Lines 30-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 252, 264, 273 and 283 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela.

Regarding claim 252, 264, 273 and 283 Korpela meets all limitations of claim 252, 264, 273 and 283 but does not teach using storage devices including a dip-switch for switching between states. The use of storage devices including a dip-switch for switching between states is very well known in the art and as such examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art to provide a storage or memory device including a dip-switch for switching between states to indicate the operating type. Therefore, it would have been obvious to modify the art of Korpela of using storage devices including a dip-switch for switching between states to indicate the operating type.

8. Claims 260, 267, 281 and 291 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korpela and further in view of 3GPP TS 25.331 V3.0.0 (1999-10).

Regarding claims 260, 267, 281 and 291, Korpela meets all limitations of claims 260, 267, 281 and 291, but does not teach wherein the message is represented by:

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INFORMATION ELEMENT	PRESENCE	MULTI	IE TYPE AND REFERENCE	SEMANTICS DESCRIPTION
OTHER INFORMATION ELEMENTS				
MIB VALUE TAG	M			
REFERENCES TO OTHER SYSTEM INFORMATION BLOCKS		1.. <MAX SYS INFO BLOCK COUNT>		
>SCHEDULING INFORMATION CN INFORMATION ELEMENTS	M			
CN TYPE	M		ANSI-41	
ANSI-41 INFORMATION ELEMENTS	C-ANSI			
<hr/>				
CONDITION	EXPLANATION			
GSM	THIS INFORMATION ELEMENT SHALL BE PRESENT IN CASE (CN TYPE == "GSM-MAP") OR (CN TYPE == "GSM-MAP AND ANSI-41")			
ANSI	THIS INFORMATION ELEMENT SHALL BE PRESENT IN CASE (CN TYPE == "ANSI-41") OR (CN TYPE == "GSM-MAP AND ANSI-41")			


3GPP TS 25.331 V3.0.0 teaches the use of broadcast of system information to broadcast system information elements that are of the same nature in a system information block (see page 24, paragraphs 8.1.1.1-8.1.1.1.2) and the system information messages contains elements as set forth in the table representing the message (see page 148-163). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teaching of Korpela with the teaching of 3GPP TS 25.331 V3.0.0 to use the above formatted message to identify core networks available for call connections as taught by the Specification in order to standardize effectively ensure connection parameters availability.


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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.


James Ewart
November 21, 2007


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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